

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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**IN RE BANC OF CALIFORNIA  
SECURITIES LITIGATION**

Case No. \_\_\_\_\_

CASE NO. SACV 17-00118 AG (DFMx)  
consolidated with  
SACV 17-00138 AG (DFMx)  
Pending in the Central District of California

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**MOTION TO COMPEL COMPLIANCE WITH SUBPOENAS**

Defendant Steven Sugarman (“Sugarman”) respectfully moves the Court for an Order, pursuant to Federal Rule of Civil Procedure 37 and Local Rule 37.1, compelling non-parties Castalian Partners Value Fund LP and James Gibson (“Respondents”) to produce documents responsive to the Subpoenas to Produce Documents served on Respondents by Sugarman in *In Re Banc of California Sec. Litig.*, Civil Action No. SACV 17-00118 AG (DFMx) consolidated with SACV 17-00138 AG (DFMx), currently pending in the United States District for the Central District of California.

As set forth in further detail in Sugarman’s memorandum of law in support of this Motion – to be filed upon the scheduling of a hearing date – the grounds for this Motion are that Sugarman issued valid Subpoenas requesting production of relevant documents and Respondents refuse to produce any documents responsive to the Subpoenas.

This Motion will be based upon all the files, records, and proceedings herein, including memoranda of law to be filed in support of the Motion, supporting affidavits and exhibits, arguments of counsel, and the pleadings and proceedings in this matter.

The undersigned certifies that Sugarman has in good faith conferred with Respondents through telephonic conferences on August 28 and September 10, 2018 and written correspondence exchanged on August 7, 15, 28, 30, 31 and September 1, 2, 4 and 7, 2018 in an effort to obtain the discovery that is the subject of this Motion without court action.

Dated: September 12, 2018

Respectfully submitted,

**FOX ROTHSCHILD**

Of Counsel:

**LATHAM & WATKINS LLP**

Manuel A. Abascal  
(manny.abascal@lw.com)  
Brian Glennon  
(brian.glennon@lw.com)  
Kristen Tuey  
(kristen.tuey@lw.com)  
355 South Grand Avenue, Suite 100  
Los Angeles, CA 90071-1560  
(213) 485-1234

By: s/Samuel J. Tunheim  
Bret A. Puls (#305157)  
Samuel J. Tunheim (#397717)

Campbell Mithun Tower  
222 South Ninth Street, Suite 2000  
Minneapolis MN 55402-3338  
Telephone: (612) 607-7000  
Facsimile: (612) 607-7100  
Email: bpuls@foxrothschild.com  
stunheim@foxrothschild.com

*Counsel for Defendant Steven A. Sugarman*

Michele D. Johnson  
(michele.johnson@lw.com)  
Andrew R. Gray  
(andrew.gray@lw.com)  
650 Town Center Drive, 20th Floor  
Costa Mesa, CA 92626-1925  
(714) 540-1235